

GAHC010127322019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/173/2019

GAGANDEEP SINGH RATTI
S/O- ARI ANUP SINGH RATTI, R/O- H NO. 25, RR COLONY, BYE LANE NO.2,
RYNJAHA, SHILLONG- 793006, DIST- EAST KHASI HILLS, MEGHALAYA

VERSUS

SANDEEP ARORA
S/O- LATE JAGMOHAN ARORA AND MRS. MOHINI ARORA, R/O- LATA
KATA, NEAR PILINGKATA HIGH SCHOOL, BELTOLA, GUWAHATI- 781028,
DIST- KAMRUP(M), ASSAM

Advocate for the Petitioner : N ALAM, MR. B D DEKA, MR. D DEKA, MR. M DAS, N
CHAUDHURY, MR A BHATRA, MR A DEKA, MR. S U AHMED, MR K JAIN, MR A K SHARMA

Advocate for the Respondent : MR. R BORPUJARI, MS D BARUAH, MR F KHAN

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

07.08.2024

1. Heard Mr. B.D. Deka, learned counsel for the petitioner. Also heard Mr. A. Mena, appearing on behalf of Mr. F. Khan, learned counsel for the respondent.

2. This is an application under Article 227 of the Constitution of India filed by the petitioner, impugning the order dated 03.06.2019, passed by the learned Civil Judge No. 3, Kamrup(M), at Guwahati, in Misc (Appeal) No. 08/2019, which was filed by the present petitioner impugning the order dated 01.06.2019 passed in Misc. (J) Case No. 173/2019 in Title Suit No. 126/2019 by the learned Munsiff No. 1, Kamrup(M).

3. The facts necessary for consideration of the instant civil revision petition, in brief, are that the present petitioner had filed a Title Suit against the respondent seeking the relief of permanent injunction only. The said suit was registered as Title Suit No. 126/2019. In the said suit the petitioner also filed an application under Order 39 Rules 1 and 2 of the Code of Civil Procedure seeking temporary injunction and the said application was registered as Misc. (J) Case No. 173/2019, wherein, the petitioner also prayed for issuance of *ad-interim* injunction by dispensing with the notice to the opposite party. However, the said prayer for grant of *ad-interim* injunction was rejected by the Trial Court, by order dated 01.06.2019. Against the said order, the petitioner preferred a Misc. Appeal, which was registered as Misc. Appeal No. 08/2019. The said appeal was also dismissed by the Court of learned Civil Judge No. 3. Against the said dismissal order, the petitioner has approached this Court by filing the instant civil revision. It appears from record that by order dated 04.06.2019, this Court directed both the parties to maintain *status quo* in respect of the suit property.

4. The learned counsel for the petitioner has submitted that as the order which was challenged in this revision petition has been filed way back on 03.06.2019 and as the Title Suit is pending before the Trial Court where both the parties are contesting it, the learned counsel for the petitioner submits that this civil revision petition may be disposed of by directing the parties to maintain

the *status quo* and the fate of injunction petition filed by the present petitioner may be decided by the Trial Court before which it is pending.

5. The learned counsel for the respondent raise no objection to the submissions made by the learned counsel for the petitioner maintaining *status quo* in respect of the suit property till the disposal of the Misc. (J) Case No. 173/2019, pending before the learned Trial Court.

6. In view of the submissions made by the learned counsel for both the parties, this revision petition is disposed of with a direction that the parties hereto shall maintain the *status quo* in respect of the suit property as was directed by this Court in its order dated 04.06.2019 and the Trial Court shall make all endeavours to dispose of the Misc. (J) Case No. 173/2019, pending before it as expeditiously as possible.

7. With the above observations, this revision petition is hereby disposed of.

JUDGE

Comparing Assistant